

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

VICTOR P. CAPALDI  
Plaintiff

Civil Action

No. 04-10843

v.

F/V GEORGIE J, her engines, boilers, equipment,  
machinery, tackle, furnishings, apparel, appurtenances,  
etc., including, but not limited to, it s commercial fishing  
licenses, permits, limited entry rights, quotas, moratorium  
permits/licenses, and all other fishing rights, history,  
privileges, or entitlements arising from, issued to,  
attaching to, or appurtenant to said vessel, *in rem*  
Defendant

MOTION FOR APPROVAL OF SETTLEMENT

Now comes the Plaintiff in the above-entitled action and by and through his attorneys respectfully requests that this Honorable Court approve the Plaintiff's settlement.

On November 25, 2003, the Plaintiff, a seaman and member of the crew of the F/V GEORGIE J, was injured when a block fell and hit him on the head. As a result of the accident, the Plaintiff was rendered a quadriplegic and sustained brain damage. Currently, the Plaintiff lives with his mother and step father in Rochester, Massachusetts where round the clock care is provided to the Plaintiff.

Allowed  
J. Tamm NJ  
1/11/05

1-15-05  
2-11-05

The Plaintiff and Defendant settled the above-entitled case Victor Capaldi v. F/V GEORGIE J, Civil Action No: 04-10843-JLT and Victor Capaldi v. AGA Fishing Corporation, Civil Action No: 04-10755-JLT.

The settlement is funded from the remainder of the insurance policy on the F/V GEORGIE J and from the money held in the Registry of the Court from the auction F/V GEORGIE J.

The Plaintiff will receive the remainder of the insurance policy and the net proceeds from the auction of the F/V GEORGIE J currently held by the Registry of the Court. Out of the available proceeds, the Plaintiff has agreed to pay the attorney fees of Clinton & Muzyka's, the fees of Walters Nixon, the adjusting company, the attorneys fees of Pamela LaFreniere and the mortgage of the F/V GEORGIE J which was \$125,885.69.

After payment of the aforementioned items, plus the payment of Plaintiff's attorney fees and expenses, the Plaintiff will receive the remainder. The net remainder will be deposited into a special needs trust. Due to the Plaintiff's physical condition, a special needs trust is in the best interest of the Plaintiff in order to preserve his assets and ability to obtain benefits.

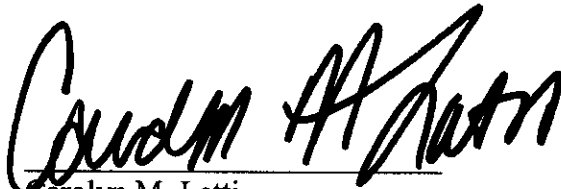
Additionally, as part of the settlement, a structured settlement has been set up for Suzy Marie Capaldi. Suzy Capaldi is the Plaintiff's daughter whose is currently 12 years old. Ms. Capaldi lives with her mother in New Bedford, Massachusetts. Since Ms. Capaldi was born, the Plaintiff has provided monetary support for her. However, due to the Plaintiff accident, the Plaintiff can not work and will not be able to work in the future. As a result, the Plaintiff has not been able to support his daughter and will be unable to in the future. Under the terms of the structured settlement, Suzy Capaldi receives a guaranteed payment of \$500.00 monthly from March 15, 2005 until June 15, 2014; \$25,000.00 guaranteed payment on 8/01/2010, 8/01/2011/,

8/01/20012, 8/01/20013; and a guaranteed payment of \$50,000.00 on 3/30/2020 for a cost of \$148,682.00 and total expected benefits of \$206,000.00. *Exhibit A*. The structure settlement is in lieu of child support payments and for future educational costs.

The settlement agreement is in the best interests of all parties.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court approve the Plaintiff's settlement as set forth above.

Respectfully submitted for the  
the Plaintiff, Victor P. Capaldi,  
by his attorney,

A handwritten signature in black ink, appearing to read 'Carolyn M. Latti', is written over a horizontal line.

Carolyn M. Latti  
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Dated: January 11, 2005